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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,509	03/29/2001	Dennis Sunga Fernandez	FERN-P001C	8530

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EXAMINER	
VO, TUNG T	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,509	FERNANDEZ ET AL.	
	Examiner	Art Unit	
	Tung Vo	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 5-6, 8-11, 14-15, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollenberg (US 6,091,956).

Re claims 1-3, 5-6, 8-11, 14-15, and 18-19, Hollenberg teaches a console processing unit (figs 1 and 2, and alternate embodiment figs. 4-16) for goods inventory management coupled via the internet (30a of fig. 1) to at least one fixed detector (32a of fig. 1) and at least one mobile

sensor (2c, 9i of fig. 4, see also fig. 9, e.g. the telephone has) a data structure for representing a monitored object, the data structure comprising an object identifier (2b of fig. 4) representing one or more goods in production, inventory or shipment (6h, 6i, 3e.... of fig. 4); a first object location and a time monitored such at location (32a-32c of fig. 1) provided by a detector (a detector is the transcvr A) coupled to the console-processing unit (2b of fig. 4) a second object location and a time monitored at such location (14k of fig. 6), provided by a sensor (camera 9m of fig. 9) coupled to the console-processing unit; a position signal (GPS) being generated by the detector (32d of fig. 3) coupled to the monitored object (mobile device 2b of fig. 4 is held by a user) when such object is moveable within an observable range (the camera 9m can detect the image of the user is moveable within a distance from the cell phone called observation range), a schedule object location and a time schedule for such location (GPS system has a function to schedule location and the computer 2b of fig. 4 can schedule time for that location); a visual signal being generated by the sensor uncoupled to such object in the observable range (9m of fig. 9, e.g. the camera is generating the video image of the user); the CPU (2b) has a software agent associated with the monitored object accesses a database (6h, 6i of fig. 3, 6n 8d of fig. 6, e.g. map), the object identifier (2b of fig. 4) comprises an object name, an object group, an object query, an object condition, an object status, an object location, an object time, an object error, or an object image, video, or audio broadcast signal (the map is displayed on the screen that includes name of street); the monitored object is monitored temporarily using an extrapolated or last-stored positional or visual signal (last-stored positional in the memory for simulating with the current traffic (6m of fig. 6)); the monitored object is provided an electronic file comprising a book, a greeting card, a news report a sports, a stock report, an artwork, a research database, a

personal list, a recorded or live voice or music transmission, an electronic tool, or a commercial transaction (6p, 6q of fig. 6), the observation range is modifiable according to a rule set (col. 10, 18-43), and the monitored object is authenticated according to a voice pattern, a finger-print, pattern, a handwritten signature, or a magnetic or smart-card signal (using email, col. 10); the detector comprises visual-analyzer means for recognizing adaptively the identified goods (the use can send the request (identified goods) to buy a product or item to the detector (32b of fig. 1)) using a neural network or simulation program, thereby enabling secure inventory of the identified goods (on-line buying items cols. 9 and 10); the user can also check in-stock of the identified goods for transaction shipment and a tax-rate (price of each stores and the tax rate also includes) at the location (the store location) of the identified goods.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg (US 6,091,956) in view of Kermedy, III et al. (US 6,301,480).

Re claims 4 and 7, Hollenberg teaches and suggests the communication unit (36a of fig. 1) associated with the remote device that is detected by the first detector for observing the user when such remote user is movable within an observable range (9m of fig. 9) but Hollenberg does

not particularly teach a mobile communication unit comprises an accelerometer, and a modification according a rule set as claimed.

However, Kennedy teaches a mobile communication unit (12 of fig. 1) comprises an accelerometer and personal health sensor, and modification according a rule set (col. 3, lines 5-19).

Therefore, taking the combined teachings of Hollenberg and Kennedy as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Kennedy into the system of Hollenberg for the same purpose of communicating between the remote buyer and central station fast and more accuracy.

Doing so would provide the advantages of the system include the adaptation of the system to provide mobile units are associated with cars, trucks, boats, barges, airplanes, cargo holders, persons or other mobile items such as ambulance vehicle that desire a selection of services. These services include emergency services, roadside assistance, information services (e.g., directions, news and weather reports, financial quotes, etc.), or other as suggested by Kennedy.

5. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg (US 6,091,956) in view of Clare (US 5,745,036).

Re claims 12 and 16, Hollenberg teaches the sensor for sensing the image of the user but not the detector is a camera for observing such identified goods as claimed.

However, Clare teaches the cameras (58, 58' of fig. 1) for observing the identified goods. Therefore, taking the combined teachings of Hollenberg and Clare as a whole, it would have

been obvious to one of ordinary skill in the art to incorporate the teachings of Clare into the system of Hollenberg for the same purpose of detecting the image of the identified goods.

Doing so would allow the system to easily identify which product have been picked up at the remote location.

6. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg (US 6,091,956) in view of Forlenzo et al. (US 6,377,821).

Re claims 13 and 17, Hollenberg does not particularly teach or suggest low-power indicator as claimed. Forlenzo teaches a "low battery" indicator in the display 20 will only be visible to the user when the low battery condition is present. Therefore, taking the teachings of Hollenberg and Forlenzo as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Forlenzo into the system of Hollenberg for the same purpose of indicating the battery is low. Doing so would allow the user to recharge or change the battery so that the system would keep all stored information.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tung Vo
Primary Examiner
Art Unit 2613